## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA NORTHERN DIVISION

RAY COMMUNICATIONS, INC.,	§	
	§	
Plaintiff,	§	
	§	
V.	§	CIVIL ACTION NO. 2:08-cv-24-BO
	§	
CLEAR CHANNEL COMMUNICATIONS,	§	
INC., CLEAR CHANNEL	§	
BROADCASTING, INC.,	§	
KATZ MEDIA GROUP, INC., and	§	
KATZ COMMUNICATIONS, INC.	§	
	§	
Defendants.	§	

## ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

On August 9, 2010, Defendants Clear Channel Communications, Inc., Clear Channel Broadcasting, Inc., Katz Media Group, Inc., and Katz Communications, Inc. (collectively, "Defendants") filed their motion (the "Motion") seeking (i) summary judgment dismissing all of Plaintiff's claims, based on Defendants' affirmative defenses of laches, acquiescence, and/or abandonment, and, in the alternative, (ii) partial summary judgment dismissing Plaintiff's claims for monetary relief. After careful consideration, including consideration of said Motion, the other pleadings in this matter, Plaintiff's opposition to the Motion, if any, and the reply if any in support thereof, the Court is of the opinion that Defendant's Motion should be GRANTED.

Alternative 1: It is hereby ORDERED that Defendants' Motion for Summary Judgment on their affirmative defenses of laches, acquiescence, and/or abandonment is GRANTED such that judgment will be entered in favor of Defendants and against Plaintiff, dismissing all of Plaintiff's claims with prejudice. The Court also determines that this case qualifies as an exceptional case pursuant to 15 U.S.C. § 1117, and the Court hereby finds that Defendants are entitled to their reasonable attorneys' fees from Plaintiff. Therefore, Defendants shall submit to this Court within thirty (30) days of entry of this order their application for attorneys' fees. Upon determination of such application by the Court, judgment will be

entered against Plaintiff in an appropriate amount.

Alternative 2: It is hereby ORDERED that Defendants' Motion for partial summary judgment is GRANTED such that all claims of the Plaintiff for monetary relief are hereby DISMISSED with prejudice.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_\_\_, 2010.

TERRENCE W. BOYLE UNITED STATES DISTRICT JUDGE